

HB 375

2013

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.; revising
4 the frequency of inspections that owners of aerobic
5 treatment unit systems must provide for under service
6 agreements with certain maintenance entities permitted
7 by the Department of Health; providing an effective
8 date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (u) of subsection (4) of section
13 381.0065, Florida Statutes, is amended to read:

14 381.0065 Onsite sewage treatment and disposal systems;
15 regulation.—

16 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
17 not construct, repair, modify, abandon, or operate an onsite
18 sewage treatment and disposal system without first obtaining a
19 permit approved by the department. The department may issue
20 permits to carry out this section, but shall not make the
21 issuance of such permits contingent upon prior approval by the
22 Department of Environmental Protection, except that the issuance
23 of a permit for work seaward of the coastal construction control
24 line established under s. 161.053 shall be contingent upon
25 receipt of any required coastal construction control line permit
26 from the Department of Environmental Protection. A construction
27 permit is valid for 18 months from the issuance date and may be
28 extended by the department for one 90-day period under rules

29 | adopted by the department. A repair permit is valid for 90 days
30 | from the date of issuance. An operating permit must be obtained
31 | prior to the use of any aerobic treatment unit or if the
32 | establishment generates commercial waste. Buildings or
33 | establishments that use an aerobic treatment unit or generate
34 | commercial waste shall be inspected by the department at least
35 | annually to assure compliance with the terms of the operating
36 | permit. The operating permit for a commercial wastewater system
37 | is valid for 1 year from the date of issuance and must be
38 | renewed annually. The operating permit for an aerobic treatment
39 | unit is valid for 2 years from the date of issuance and must be
40 | renewed every 2 years. If all information pertaining to the
41 | siting, location, and installation conditions or repair of an
42 | onsite sewage treatment and disposal system remains the same, a
43 | construction or repair permit for the onsite sewage treatment
44 | and disposal system may be transferred to another person, if the
45 | transferee files, within 60 days after the transfer of
46 | ownership, an amended application providing all corrected
47 | information and proof of ownership of the property. There is no
48 | fee associated with the processing of this supplemental
49 | information. A person may not contract to construct, modify,
50 | alter, repair, service, abandon, or maintain any portion of an
51 | onsite sewage treatment and disposal system without being
52 | registered under part III of chapter 489. A property owner who
53 | personally performs construction, maintenance, or repairs to a
54 | system serving his or her own owner-occupied single-family
55 | residence is exempt from registration requirements for
56 | performing such construction, maintenance, or repairs on that

57 residence, but is subject to all permitting requirements. A
58 municipality or political subdivision of the state may not issue
59 a building or plumbing permit for any building that requires the
60 use of an onsite sewage treatment and disposal system unless the
61 owner or builder has received a construction permit for such
62 system from the department. A building or structure may not be
63 occupied and a municipality, political subdivision, or any state
64 or federal agency may not authorize occupancy until the
65 department approves the final installation of the onsite sewage
66 treatment and disposal system. A municipality or political
67 subdivision of the state may not approve any change in occupancy
68 or tenancy of a building that uses an onsite sewage treatment
69 and disposal system until the department has reviewed the use of
70 the system with the proposed change, approved the change, and
71 amended the operating permit.

72 (u) The owner of an aerobic treatment unit system shall
73 maintain a current maintenance service agreement with an aerobic
74 treatment unit maintenance entity permitted by the department.
75 The maintenance entity shall obtain a system operating permit
76 from the department for each aerobic treatment unit under
77 service contract. The maintenance entity shall inspect each
78 aerobic treatment unit system at least twice each year for the
79 initial 2 years of the maintenance service agreement and at
80 least once a year thereafter and shall report semiannually
81 ~~quarterly~~ to the department ~~on~~ the number of aerobic treatment
82 unit systems inspected and serviced. Maintenance entity service
83 agreements must conspicuously disclose that a property owner of
84 an owner-occupied single-family residence is exempt from

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85 | registration requirements for performing such construction,
86 | maintenance, or repairs on such residence, but is subject to all
87 | permitting requirements. The owner shall allow the department to
88 | inspect during reasonable hours each aerobic treatment unit
89 | system at least annually, and such inspection may include
90 | collection and analysis of system-effluent samples for
91 | performance criteria established by rule of the department.

92 | Section 2. This act shall take effect July 1, 2013.